

Message Text

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ACTION EUR-25

INFO OCT-01 ISO-00 SWF-02 AID-20 CEA-02 CIAE-00 COME-00

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INFO AMEMBASSY PARIS

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E.O.11652: N/A

TAGS: OCON, COE

SUBJECT: COUNCIL OF EUROPE MEETING ON LIABILITY OF PRODUCERS

REF: STRASBOURG 06

1. COUNCIL OF EUROPE HAS REQUESTED US OBSERVER TO MEETING ON PRODUCERS LIABILITY IN STRASBOURG MAY 13-16. MEETING IS FIFTH IN A SERIES AIMED AT FORMULATING EUROPEAN CONVENTION ON THE LIABILITY OF PRODUCERS FOR DAMAGES CAUSED BY DEFECTS IN THEIR PRODUCTS.

2. EARLIER MEETINGS HAVE RESULTED IN NEAR AGREEMENT ON LIABILITY FOR PERSONAL DAMAGES. MAY MEETING WILL FOR FIRST TIME CONSIDER QUESTION OF MATERIAL DAMAGES. SECRETARIAT OFFICIALS EXPECT FURTHER SESSION IN OCTOBER OR NOVEMBER TO MARRY TWO SECTIONS AND THAT FINAL DRAFT WILL BE PRESENTED TO GOVERNMENTS DURING 1975.

3. AS REPORTED REFTEL, WE BELIEVE THAT CONVENTION COULD HAVE IMPORTANT EFFECTS ON US EXPORTS TO EUROPE. UNDER UNCLASSIFIED

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TERMS OF CURRENT DRAFT, IMPORTERS OF US PRODUCTS WOULD

HAVE SAME LIABILITY FOR DEFECTS IN THOSE GOODS AS EUROPEANS PRODUCERS FOR THE ITEMS THEY PRODUCE. FURTHERMORE THE PRODUCERS, OR IMPORTERS, WOULD BEAR THE BURDEN OF PROOF THAT EVENTUAL INJURIES NOT CAUSED BY DEFECTS. THEY WOULD PRESUMABLY INSIST UPON ADDITIONAL GUARANTEES OR COMPENSATORY TERMS FROM AMERICAN SUPPLIERS, TO MINIMIZE THEIR PERSONAL RISK UNDER CONVENTION.

4. UNITED STATES HAS BEEN REPRESENTED AT LAST THREE MEETINGS, TWICE BY OFFICERS FROM EMBASSY PARIS AND MOST RECENTLY BY THIS CONSULATE. US PARTICIPATION HAS BEEN OF MINIMAL VALUE IN ABSENCE OF PERSONAL BACKGROUND IN TECHNICAL SUBJECT UNDER DISCUSSION. EUROPEAN STATES TYPICALLY REPRESENTED BY UNIVERSITY PROFESSORS THOROUGHLY STEEPED IN NATIONAL LAW OF PRODUCT LIABILITY.

5. IF WASHINGTON AGREES THAT POTENTIAL RAMIFICATIONS OF CONVENTION WARRANT SERIOUS US ATTENTION, SUGGEST THAT WE BE REPRESENTED AT A COMPARABLE LEVEL. WE UNDERSTAND THAT PROFESSOR JEAN FLEMING OF UNIVERSITY OF BERKLEY IS IDEALLY QUALIFIED. ANY US OBSERVER WOULD ENJOY FULL RIGHTS OF INTERVENTION AND BE BARRED ONLY FROM DRAFTING COMMITTEE SESSIONS AND VOTES.

6. PLEASE ADVISE WHETHER US WILL DESIGNATE OBSERVER TO MAY MEETING AND, IF SO, WHO. IN ABSENCE OF TECHNICALLY QUALIFIED OBSERVER, SUGGEST THAT CONGEN BE NAMED TO REPRESENT US. WOODS

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